

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7555**

**BILL NUMBER: HB 2011**

**DATE PREPARED:** Jan 17, 2001

**BILL AMENDED:**

**SUBJECT:** Work Release in Child Support Contempt Proceedings.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:**      **GENERAL**  
                                 **DEDICATED**  
                                 **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill requires a community corrections advisory board, or the county probation department of a county that does not participate in a community corrections program, to establish a work release program for certain individuals found in contempt of court for failure to pay child support. It requires a court to find an individual in contempt of court and order the individual to participate in a work release program if the individual, as a result of an intentional violation of a child support order, is delinquent at least four weeks or in an amount exceeding \$1,000.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** The added costs for the county governments to establish and operate these programs will depend on the number of persons who fall into this category in each county. The number of persons who are delinquent in child support by more than four weeks or have an arrearage exceeding \$1,000 is not known. However the Division of Family and Children reports that as of January 9, 2001, the number of cases with total arrears greater than \$1,000 and more than four weeks late was 362,183 statewide. Assuming that two cases are filed for each person, the number of persons in this category would be 181,091. The number of these persons who *intentionally* violate a child support order is not known.

To estimate the cost of developing work release programs for the individuals in these categories, it is assumed that between 25% and 50% of these persons are intentionally violating child support orders. It is also assumed that the amount of time that a person might remain in the program is eight weeks. Using an average of \$28 per day for the cost per person in a work release facility, the additional cost to the counties would be between \$10 M and \$21 M. This would not include the costs of start-up and capital expenditures.

Courts differ in the methods that they use to enforce child support orders. Some judges will sentence a person who does not pay child support to a minimum amount of time in jail with the option of posting a bond. If the person posts the bond, the proceeds from the bond are given to the custodial parent for child support. Other courts use different programs to encourage child support payments.

Courts reportedly place few offenders who do not pay child support in community corrections programs. This is because these offenders are not considered part of the target population that the Department of Correction attempts to support in community corrections programs.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts, counties.

**Information Sources:** Amy Mann, Division of Family and Children; Ralph Watson, Hamilton County Community Corrections.